



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/872,635	05/31/2001	Kevin Athey	17887-009100US	1713

20350 7590 10/27/2004

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

EXAMINER

MAURO JR, THOMAS J

ART UNIT

PAPER NUMBER

2143

DATE MAILED: 10/27/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/872,635

Applicant(s)

ATHEY ET AL.

Examiner

Thomas J. Mauro Jr.

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Claims 1-28 are pending and are presented for examination. A formal action on the merits of claims 1-28 follows.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 15 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 15 recites (line 6) "formatting the first and second content" and furthermore recites (line 10) "sending the first and second transactions to an end server." It is unclear whether this indicates that the first and second content is formatted together, i.e. combined into one content or one transaction. Thus (line 7) when first formatted content is recited, it is unclear if this contains just the first contents or the combined formatted first and second content. Proper correction throughout this claim is required to clear up this ambiguity between the first and second contents and transactions.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 2143

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 11, 14 and 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota et al. (US 2001/0056460).

Regarding claim 1, Sahota teaches a method of delivering content from a plurality of sources to a plurality of end servers through a central manager, the method comprising:

receiving the content from the plurality of sources at the central manager and formatting the content to a form usable by the plurality of end servers [**Sahota -- Pages 2-3 and 7 paragraphs [0033-0035 and 0077] – Content is harvested, i.e. received, from the network via syndication server system, i.e. central manager, and it is formatted, i.e. transformed, from HTML into XML;**

creating a transaction generic to the plurality of end servers [**Sahota -- Page 3 paragraphs [0035-0036, 0039, 0042, and 0044] – Content is transformed into a standardized data stream, i.e. transaction generic, from templates which provide for a transaction framework;**

sending the transaction to an end server in the plurality of end servers [**Sahota -- Figure 6, Page 8 paragraphs [0086-0092] – Content is sent to an end server, i.e. web server 112, to be stored. It is obvious that there exists a multiplicity of end servers to serve many clients];**
and

storing the formatted content into the memory of the end server [**Sahota -- Pages 2 and 8 paragraphs [0029 and 0088-0089] – After content is transformed and await request to be**

Art Unit: 2143

distributed to set top boxes, content is cached, i.e. stored, on end server, i.e. web server 112].

Sahota fails to explicitly teach that the transaction contains a reference to a set of instructions for storing the contents in addition to calling the reference to execute the instructions.

Sahota, however, discloses that the syndication, transformation and caching system is implemented using instructions and code [Sahota -- Page 2 paragraph [0029]]. Therefore, it is obvious that in order for the content to be sent to the end servers to be stored, i.e. cached, a set of instructions must exist and then be executed in order to provide a mechanism to manipulate the memory/points in order to properly store the contents in a memory.

Regarding claim 2, Sahota teaches the invention substantially as claimed, as aforementioned in claim 1 above, including sending the stored formatted content to a plurality of clients [Sahota -- Figures 1A, 1B and 6, Page 3 paragraphs [0036 and 0043] – **Content is sent to set top boxes and televisions for viewing standardized information**].

Regarding claim 3, Sahota teaches the invention substantially as claimed, as aforementioned in claim 1 above, including storing the transaction in a storage device [Sahota -- Figure 6 and Page 8 paragraphs [0086-0088] – **Transaction, i.e. content, is stored in a cache on a web server, either in RAM, DRAM or other memory devices**].

Regarding claim 4, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 3 above, including wherein the storage device is a cache [**Sahota --
Figure 6 and Page 8 paragraphs [0086-0088] – Cache is used as storage device**].

Regarding claim 5, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 4 above, including determining if a transaction is current [**Sahota --
Page 8 paragraphs [0091-0092] – Timestamp on content is compared to current time to
determine if content is stale, i.e. not current**].

Regarding claim 6, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 5 above, including determining if the transaction is current comprises
reading a flag to indicate the transaction is not current [**Sahota -- Page 8 paragraphs [0091-
0092] – Timestamp, i.e. flag, is used to determine if a transaction is current or not**].

Regarding claim 7, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 5 above, including requesting and receiving prior transactions from
storage when the transaction is not current [**Sahota -- Page 8 paragraphs [0090-0091] – If
current information is cache is determined to be stale, prior transactions, i.e. caches, are
loaded to ensure that all the latest transactions, i.e. updates, have been received**].

Regarding claim 11, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 1 above, including wherein the reference is a subject describing the

Art Unit: 2143

content [Sahota -- Page 11 paragraphs [0136-0144] – News item information includes a headline which is the subject of the article along with a URL reference to the information which is broken up by subject, i.e. news, stock, weather, etc.].

Regarding claim 14, Sahota teaches the invention substantially as claimed, as aforementioned in claim 1 above, including wherein sending the transaction to an end server comprises communicating between a central manager and end server [Sahota -- Figure 6, Page 8 paragraphs [0086-0092] – Content is sent from central manager, i.e. syndication server, to an end server, i.e. web server 112, to be stored, thereby requiring communication between the two proxy servers].

Regarding claim 19, this is a system claim corresponding to the method claimed in claim 1. It has similar limitations; therefore, claim 19 is rejected under the same rationale.

Regarding claim 20, Sahota teaches the invention substantially as claimed, as aforementioned in claim 19 above, including a transaction storage for storing the transaction [Sahota -- Figure 6 and Page 8 paragraphs [0086-0088] – Transaction, i.e. content, is stored in a cache on a web server, either in RAM, DRAM or other memory devices].

Regarding claim 21, Sahota teaches the invention substantially as claimed, as aforementioned in claim 20 above, including storing the transaction in a format in the transaction storage [Sahota -- Page 3 paragraphs [0040-0042], page 7 paragraph [0077] and page 8

Art Unit: 2143

paragraph [0089] – Content is stored in a standardized format, i.e. XML or one of its many schemas, in the storage, i.e. cache].

Regarding claim 22, Sahota teaches the invention substantially as claimed, as aforementioned in claim 21 above, including wherein the format comprises default, db, flat, conversation, file and sports [Sahota -- Page 2 paragraphs [0026-0027], page 3 paragraph [0034], pages 4-5 paragraphs [0048, 0053, 0055 and 0059] and pages 11-12 paragraphs [0143-0146] – Content is stored in default, i.e. XML files, along with flat and db. It is obvious that through the use of XML, files such as news and weather can be easily stored because of its adaptability and extensibility].

Regarding claim 23, Sahota teaches the invention substantially as claimed, as aforementioned in claim 20 above, including retrieving a set of prior transactions from the transaction storage [Sahota -- Page 8 paragraphs [0090-0091] – If current information is cache is determined to be stale, prior transactions, i.e. caches, are loaded to ensure that all the latest transactions, i.e. updates, have been received and are ready to be distributed to clients].

Regarding claim 24, Sahota teaches the invention substantially as claimed, as aforementioned in claim 19 above, including a software process [Sahota -- Page 2 paragraph [0029] – Instructions and code, i.e. software control syndication system] for forwarding the transaction to the plurality of end servers [Sahota -- Figure 6, Page 8 paragraphs [0086-0092]

Art Unit: 2143

– Content is sent to an end server, i.e. web server 112, to be stored. It is obvious that there exists a multiplicity of end servers to serve many clients].

Regarding claim 25, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 19 above, including wherein the reference is a subject that indicates the
formatted content [Sahota -- Page 11 paragraphs [0136-0144] – News item information
includes a headline which is the subject of the article along with a URL reference to the
information which is broken up by subject, i.e. news, stock, weather, etc.].

Regarding claim 26, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 19 above, including wherein the transaction comprises the formatted
content [Sahota -- Page 2 paragraphs [0024-0025] and page 3 paragraphs [0040-0042] –
Formatted content in standardized stream is the transaction].

Regarding claim 27, Sahota teaches the invention substantially as claimed, as
aforementioned in claim 19 above, including wherein the transaction comprises the set of
instructions [Sahota -- Page 2 paragraph [0029], page 4 paragraph [0048] and page 5
paragraph [0059] – Instructions and code, i.e. software control syndication system,
including instructions for each transaction, i.e. content, to instruct the server to properly
convert it to XML through the use of DTD's].

Regarding claim 28, Sahota teaches the invention substantially as claimed, as aforementioned in claim 19 above, including a proxy associated with the central manager and a plurality of proxies associated with the plurality of end servers which communicate to send the transaction [Sahota -- Figure 6, Page 8 paragraphs [0086-0090] – Proxies, i.e. separate software that performs a function, is responsible on the central manager, i.e. syndication server, for communicating and transferring content to web servers, i.e. end servers. For example, syndicated XML content cache (614) has software, i.e. proxy, to communicate and send cached content to the end server, i.e. web server (112), which has a proxy, i.e. ready-for-TV web page cache, to further store the content].

6. Claims 8, 10, 12-13 and 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota et al. (US 2001/0056460) in view of Tso et al. (U.S. 6,047,327).

Regarding claim 8, Sahota teaches the invention substantially as claimed, as aforementioned in claim 7 above, but fails to explicitly teach discarding the prior transaction if they are not needed.

Tso, however, discloses a system for distributing electronic information to a group of users, which includes removing, i.e. discarding, outdated, i.e. unneeded, information stored in memory [Tso -- Col. 1 lines 44-65 and Col. 11 lines 48-57].

Both Sahota and Tso are concerned with formatting, storing and distributing information, i.e. news, to users over a network.

Art Unit: 2143

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the removing of outdated information, as taught by Tso into the invention of Sahota, in order to free up resources and space for more pertinent and current information [Tso -- Col. 11 lines 54-57].

Regarding claim 10, Sahota-Tso teach the invention substantially as claimed, as aforementioned in claim 8 above, including reading in all prior transactions into memory [Tso -- Page 8 paragraphs [0086-0090] – Transactions, i.e. information, are read into the cache, i.e. memory].

Regarding claim 12, Sahota teaches the invention substantially as claimed, as aforementioned in claim 1 above, but fails to explicitly teach filtering the content at the central manager.

Tso, however, discloses a method of distributing InfoBites to clients which includes filtering the content based upon user profiles at the central manager [Tso -- Figures 1 and 3 and Col. 10 lines 41-46 – Server A (17) acts as the central manager of the system between the content providers and the clients].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the filtering of content, as taught by Tso into the invention of Sahota, in order to allow the client to be able to customize the content which only they want to receive.

Art Unit: 2143

Regarding claim 13, Sahota-Tso teach the invention substantially as claimed, including filtering of content [Tso -- Col. 10 lines 41-46]. In addition, Sahota discloses end servers which store, i.e. cache, the information until requested and distributed to clients [Sahota -- Pages 2 and 8 paragraphs [0029 and 0088-0089] – After content is transformed and await request to be distributed to set top boxes, content is cached, i.e. stored, on end server, i.e. web server 112]. It would have been obvious to a person of ordinary skill in the art at the time of the invention that the filter could be placed on any server in the system, thereby, making it obvious to place it on the end server in order to more equally distribute job processing and to alleviate the burden on the central manager. As was upheld in *in Re Japikse* (181 F.2d 1019, 86 USPQ 70 (CCPA 1950)), rearrangement of parts does not, by itself, provide a grounds for patentability.

Regarding claim 15, Sahota teaches the invention substantially as claimed, a method delivering content from a plurality of sources to a plurality of end servers through a central server, the method comprising:

receiving content from a first source and a second source and formatting the first and second content [Sahota -- Pages 2-3 and 7 paragraphs [0024, 0033-0035 and 0077] – Content is harvested, i.e. received, from the network from various disparate sources, i.e. first and second (multiple) sources and it is formatted, i.e. transformed, from HTML into XML];

creating a first transaction including the first formatted content and creating a second transaction including the second formatted content, wherein the first and second transaction are in the same format [Sahota -- Page 3 paragraphs [0035-0036, 0039, 0042, and 0044] – Both

first and second content is transformed into a standardized data stream format, i.e. transaction, from templates which provide for a transaction framework];

 sending the first and second transactions to an end server [**Sahota -- Figure 6, Page 8 paragraphs [0086-0092] – First and second content is sent to an end server, i.e. web server 112, to be stored]; and**

 storing the first and second content from the first and second transactions [**Sahota -- Pages 2 and 8 paragraphs [0029 and 0088-0089] – After content is transformed and await request to be distributed to set top boxes, content is cached, i.e. stored, on end server, i.e. web server 112].**

Sahota fails to explicitly teach that the first and second content are in different formats.

Tso, however, discloses a system for distributing electronic information to a group of users wherein each source will provide different types of information in different protocols, thereby, in a different format [**Tso -- Col. 3 lines 8-33].**

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the different formats for content sources, as taught by Tso into the invention of Sahota, in order to provide a more diverse and encompassing system which can harvest content from any source, not just from sources of the same type/format.

Regarding claim 16, Sahota-Tso teach the invention substantially as claimed, as aforementioned in claim 15 above, including storing the first and second content in memory [**Sahota -- Pages 2 and 8 paragraphs [0029 and 0088-0089] – After content is transformed**

and await request to be distributed to set top boxes, content is cached, i.e. stored, on end server, i.e. web server 112].

Sahota fails to explicitly teach a set of instructions which are executed.

Sahota, however, discloses that the syndication, transformation and caching system is implemented using instructions and code [Sahota -- **Page 2 paragraph [0029]**]. Therefore, it is obvious that in order for the content to be sent to the end servers to be stored, i.e. cached, a set of instructions must exist and then be executed in order to provide a mechanism to manipulate the memory/points in order to properly store the contents in a memory.

Regarding claim 17, this is a system claim corresponding to the method claimed in claim 2 above. It has similar limitations; therefore, claim 17 is rejected under the same rationale.

Regarding claim 18, Sahota-Tso teach the invention substantially as claimed, as aforementioned in claim 17 above including sending content to second, i.e. multiple clients [Tso -- **Figure 1, Col. 1 lines 53-65 and Col. 2 lines 54-67 – Col. 3 lines 1-18 – Multiple clients, i.e. groups of users, receive distributed content]**.

7. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sahota et al. (US 2001/0056460) and Tso et al. (U.S. 6,047,327), as applied to claim 8 above, in view of Mighdoll et al. (U.S. 6,332,157).

Regarding claim 9, Sahota-Tso teach the invention substantially as claimed, as aforementioned in claim 8 above, but fail to explicitly teach comparing a prior transaction to a last transaction received and discarding the transaction if the transaction was already received. Mighdoll, however, discloses a system for updating information stored in a cache which retrieves new information, i.e. a transaction, and compares it to what is already stored in the cache. If they are the same, i.e. no change has occurred, information, i.e. transaction, is discarded [**Mighdoll -- Col. 12 lines 19-30 and lines 53-61**].

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the updating of cache information by comparing it to what is already stored in the cache and discarding the information if it is not new, i.e. already cached, as taught by Mighdoll into the invention of Sahota-Tso, in order to provide a more efficient method for updating contents of a cache.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Shimomura et al. (U.S. 6,526,580) discloses a broadband data broadcasting service which allows content from different sources to be distributed to multiple clients.

Art Unit: 2143

- Hassett et al. (U.S. 6,807,558) discloses a system for distributing news items to a plurality of clients based upon a user profile, i.e. filter.
- Dillon et al. (U.S. 6,546,488) discloses a system for broadcasting news information to a plurality of clients which includes caching the content at a proxy.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas J. Mauro Jr. whose telephone number is 703-605-1234. The examiner can normally be reached on M-F 8:00a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 703-308-5221. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

EJM

TJM

October 21, 2004

William C. Vaughn
Primary Examiner
Art Unit 2143
William C. Vaughn, Jr.